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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-------------------------|---------------------|------------------|
| 09/981,000 | 12/03/2001 | Keith Reynolds Wehmeyer | RCA 89027 | 2059 |

7590 12/02/2005

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EXAMINER

SALCE, JASON P

| ART UNIT | PAPER NUMBER |
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2614

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/981,000 | Applicant(s) WEHMEYER, KEITH REYNOLDS | |
| | Examiner Jason P. Salce | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-8 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/12/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/12/2001 was filed after the mailing date of the filing date on 12/03/01. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-5, drawn to an internet receiver, classified in class 725, subclass 109.
 - II. Claims 6-8, drawn to television satellite receiver, classified in class 725, subclass 68.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as downloading web pages for viewing on a display. See MPEP § 806.05(d).

Invention II has separate utility such as a satellite signal receiving set-top box for use in a TV network. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction for reexamination purposes as indicated is proper.

During a telephone conversation with Frank Liao on 11/28/05 a provisional election was made with traverse to prosecute the invention of Group I, Claims 1-5. Applicant in replying to this Office action must make affirmation of this election. Claims 6-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. Patent No. 6,348,932) in view of Naimpally (U.S. Patent No. 6,020,880).

Referring to claim 1, Nishikawa discloses a stand-alone Internet receiver (see Internet Processing Element (IPE) 202 in Figure 2A) for receiving terrestrial analog broadcast signal (NTSC) program information (see IPE 202 receiving an analog television broadcast signal at terrestrial tuner 236 in Figure 2A, which includes the audio and video for local broadcast programs (see Column 5, Lines 49-54) as well as broadcast data (see Column 6, Lines 39-40)) and Internet data (see Column 6, Lines

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40-42), coupled to a stand-alone digital video receiver (see DSS Processing Element (DPE) 200 in Figure 2A) for receiving program information including program guide information (see Column 7, Lines 9-11).

Nishikawa also discloses providing the Internet receiver with a communications input/output port (see Buffer Logic 204 in Figure 2A).

Nishikawa also discloses linking the communications input/output port of the digital video receiver with the communications input/output port of the Internet receiver (see Figure 2A for the input/output ports of the DPE 200 being linked to the input/output ports of the IPE 202 through Buffer Logic 204).

Nishikawa also discloses providing the Internet receiver with the program guide information received by the digital video receiver through the communications port (see Column 7, Lines 9-31 for transmitting program guide data from the DPE 200 to the IPE 202 in Figure 2A).

Nishikawa also discloses integrating the digital video program guide information with the program information received by the Internet receiver (by terrestrial receiver 236 in Figure 2A) to obtain a combined program guide for viewing on a display device (see Figure 7 for displaying a combined program guide and Column 9, Lines 10-12 and Column 10, Lines 61-67).

Nishikawa is silent about the program information received from the terrestrial receiver 236 in Figure 2A being program guide information.

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Naimpally clearly discloses a tuner 218 in Figure 2, which receives an NTSC analog television signal from a terrestrial communications network, where the NTSC television signal carries EPG data (see Column 1, Lines 20-25).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the analog signal received by the terrestrial receiver 236, as taught by Nishikawa, using the NTSC analog signal including EPG information, as taught by Naimpally, for the purpose of allowing a viewer to request, receive, process and provide information containing substantially all of the television information for a region from a dedicated EPG server to a television viewer (see Column 2, Lines 34-38 of Naimpally).

Claim 2 corresponds to claim 1, where Naimpally further discloses that the EPG data is received in the VBI of the NTSC television signal (see Column 1, Lines 20-25).

Claim 5 corresponds to claim 1, where Nishikawa discloses that the digital video receiver is a DBS (direct broadcast satellite) receiver. The examiner notes that Nishikawa's digital video receiver is a DSS (Direct Satellite System) receiver, which is analogous to a DBS receiver.

4. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (U.S. Patent No. 6,348,932) in view of Naimpally (U.S. Patent No. 6,020,880) in further view of Mergard et al. (U.S. Patent No. 5,941,968).

Referring to claim 3, Nishikawa and Naimpally disclose all of the limitations in claim 1, as well as a standard data bus 218, but fail to specifically teach the use of a high-speed data bus and low speed data bus.

Mergard discloses an improved bus system, which uses a high-speed data bus and a low speed data bus coupled to data steering logic (see Column 4, Lines 33-49).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the data bus and buffer logic, as taught by Nishikawa, using the improved data access system using high and low speed buffers and data steering logic, as taught by Mergard, for the purpose of providing improved bus concurrency (see Column 1, Line 12 of Mergard).

Claim 4 corresponds to claim 3, where Nishikawa further discloses that the data bus is clocked by a signal from the digital video receiver (see Column 7, Lines 9-13 for the digital video receiver 200 signaling (i.e. clocking) the address decoder 258 to transmit EPG data from the digital video receiver 200 to the internet receiver 202).

Conclusion

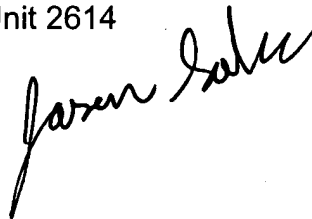
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason P Salce
Patent Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.

November 29, 2005